

## Bryan Smith - Comments on Rio Alto tentative order

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**From:** <Sablad.Elizabeth@epamail.epa.gov>  
**To:** <csnyder@waterboards.ca.gov>, "Bryan Smith" <bsmith@waterboards.ca.gov>  
**Date:** 8/16/2010 12:41 PM  
**Subject:** Comments on Rio Alto tentative order

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Hi Clint, Bryan,

We just have a few comments on the Rio Alto WD Lake California WWTP permit (CA0077852):

1. The Regional Board should remove the sentence on page 20 of the tentative order under paragraph "f", which states, "USEPA has also promulgated an objective for copper based on the Biotic Ligand Model (BLM) that can be used as the basis for a site-specific copper effluent limitation." This sentence is incorrect, as the Regional Board would have to amend their Basin Plan with a provision to allow the use of the BLM to create site-specific objectives. The Regional Board can follow procedures for determining the copper water effects ratio described in the CTR.

Additionally, the previous sentence seems to be incorrect. It states, "An acceptable WER can be used to adjust aquatic life-based water quality standards, including metals such as copper and Basin Plan incorporated USEPA water quality standards for ammonia and aluminum." The Basin Plan does not incorporate USEPA water quality standards for ammonia and aluminum. It includes narrative standards, which are then interpreted by the Regional Board, using USEPA national recommended criteria. We suggest removal of at least the latter part of this sentence.

2. The Regional Board should change the language on pages 21-22 of the tentative order, under the Chronic WET requirements, to exclude the words "a pattern of," as this is subjective. We previously discussed the above language change to the chronic WET/accelerated monitoring requirements with the Regional Board, and the Regional Board agreed to this change as well as to further revise the language. Additionally, there is an inconsistency in the submittal requirement for the TRE Workplan. The tentative order requires submittal of the TRE Workplan in 6 months; however other permits from the Regional Board require 90-day submittal. We suggest the Regional Board be consistent in implementing any language changes in their permits.

3. In the tentative order, chronic WET monitoring is only required twice within the 5-year permit term; however the discharge demonstrated reasonable potential to exceed water quality standards for chronic WET. The Regional Board should increase the monitoring frequency for chronic WET to better protect water quality and beneficial uses.

4. Pages 23 and F-42 include "(if applicable)" under the Pretreatment Requirements. The Regional Board should clarify in the fact sheet whether the pretreatment requirements are applicable to the discharger. If the requirements are only applicable under certain circumstances, the Regional Board should remove "(if applicable)" and specify those circumstances in the tentative order. Page E-17 should also be updated to reflect the above.

5. Page E-2, paragraph "D" is a duplicate of paragraph "C".

6. Page E-9, paragraph 4 states that Quality Assurance information be reported "(if applicable)". We suggest "(if applicable)" be removed, as QA information should always be reported with whole effluent toxicity test results.

Let me know if you have any questions!

Sincerely,  
 Elizabeth

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